

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 19-CR-02855-JB

STEVEN GRIEGO

Defendant.

**UNOPPOSED MOTION TO CONTINUE TRIAL (December 1, 2020) AND EXTEND
RELATED PRETRIAL DEADLINES FOR AT LEAST EIGHTY-ONE (81) DAYS**

COMES NOW, Defendant, Steven Griego, by and through his counsel of record, Phillip G. Sapien, *Sapien Law, LLC*, with the concurrence of the Assistant United States Attorney, Norman Cairns, and hereby respectfully requests this Court to enter an Order continuing the December 1, 2020 setting and Related Pre-trial deadlines in this matter for at least Eighty-One (81) days from December 1, 2020 and the respective deadline dates.

As further grounds in support of this motion, Undersigned counsel states as follows:

1. Undersigned counsel was appointed to represent Mr. Griego by the Court on October 1, 2019.
2. Motions were due on November 13, 2020 and trial was scheduled for December 1, 2020 at 9:00 a.m. before this Honorable Court.
3. Mr. Griego is currently in custody at the Core Civic Correctional Center (CCCC). However, due to the ongoing Covid-19 pandemic and the resulting impact this has had on attorney/client jail communications, undersigned counsel has been unable to meet in person and confer with Mr. Griego regarding a legal strategy and possible resolutions to this case.

4. However, prior to the Covid-19 pandemic, defense counsel had multiple, lengthy face to face and telephonic conferences with Mr. Griego to discuss the case, review discovery and depositions and discuss possible defenses in this case.

5. Subsequently, since the start of the pandemic, defense counsel has continued to keep Mr. Griego informed about the status of his case and the disclosure of additional discovery from the government as it has been received via multiple, lengthy telephonic conferences to discuss his case, defense counsel's professional opinion about the case and possible case outcomes.

6. Recently, Mr. Griego requested that undersigned counsel file a Motion to Withdraw as Counsel and Appoint New CJA counsel [Doc. 92] with the Court.

7. However, during the Hearing on December 10, 2020 regarding the Motion to Withdraw, Mr. Griego agreed to keep current defense counsel on the case and undersigned counsel agreed to attempt to resolve the noted communication differences in this case and continue to represent Mr. Griego in this matter.

8. Therefore, the Motion to Withdraw [Doc. 92] was denied by the Court without prejudice in the event the Motion to Withdraw needs to be reheard [Doc. 106].

9. Moreover, Mr. Sapien was advised by Mr. Cairns that a plea offer was forthcoming from the Government to Mr. Griego. The defense is awaiting receipt of the proposed plea agreement from counsel for the government.

10. Once received, defense counsel will need additional time to review and discuss the proposed plea agreement with Mr. Griego.

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11. With the forthcoming holidays and the ongoing Pandemic issues that impact how quickly undersigned counsel can meet and confer with Mr. Griego, additional time is also needed and requested for the defense to continue to analyze this case, analyze and prepare any necessary motions and to otherwise prepare for trial if this case cannot be resolved with the forthcoming plea agreement.

12. Defense counsel has discussed this motion with Mr. Griego and he understands the need for this motion for continuance given the noted circumstances and understands that the time between December 1, 2020 and the new trial date should be excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(8)(A) and counsel requests that this Court make a finding pursuant to 18 U.S.C., Section 3161(h)(7)(A) that a continuance meets the ends of justice and is in the best interests to the public and the Defendant.

13. The failure to grant such a continuance would result in a miscarriage of justice. *See U.S. v. Toombs*, 574 F.3d 1262, 1268 (10th Cir. 2009).

14. Moreover, a continuance of trial and deadlines as requested herein, will provide the parties with sufficient time to complete the tasks noted above, renew the Motion to Withdraw, if necessary or complete trial preparations should this case not be resolved with a plea agreement.

15. Undersigned Counsel has conferred with counsel for the government, Mr. Cairns, regarding this Motion and he is not opposed to this motion or the relief requested herein.

WHEREFORE, based on the foregoing facts and information, undersigned counsel hereby respectfully requests this Court to continue the trial setting of December 1, 2020 and to

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extend all Related Pre-trial deadlines, including the noted November 13, 2020 motions deadline, in this matter for at least Eighty (81) days from their current, respective deadline dates and from the current December 1, 2020 trial setting.

Respectfully Submitted by,

Sapien Law, LLC.

/s/ Phillip G. Sapien

PHILLIP G. SAPIEN

Attorney for Defendant Steven Griego

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THE UNDERSIGNED hereby certifies that
A copy of the foregoing pleading was
electronically delivered to opposing counsel
on December 21st, 2020 via the CM/ECF electronic
filing system.

/s/

PHILLIP G. SAPIEN, ESQ.

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